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January 31, 2013

Dr. Randall C. Johnson  
Alabama Surface Mining Commission (ASMC)  
P.O. Box 2390  
Jasper, AL 35502-2390

RE: A Petition to Designate Lands Adjacent to the Mulberry Fork of the Black Warrior River as Unsuitable for Mining

Dear Dr. Johnson:

The Water Works Board of the City of Birmingham (Board) would like to provide the following comments regarding the petition by Black Warrior Riverkeeper, Inc. (BWRK) to declare unsuitable for mining lands adjacent to our Mulberry Intake. Water discharged operations in this area enter the Mulberry Fork, upstream of an important surface water intake, the Mulberry Intake. The Mulberry Intake has been in operation since 1989 and, as one of the Board's water sources, serves approximately 200,000 people in the Birmingham area. We are concerned that mines in the areas immediately surrounding the intake have the potential to adversely impact the Birmingham area drinking water. The Board understands that coal mining is a very important industry in Alabama and is not opposed to all coal mining activities in the Black Warrior River basin. However, steps must be taken to protect water resources when mining activities have the potential to adversely impact the Birmingham area drinking water supply.

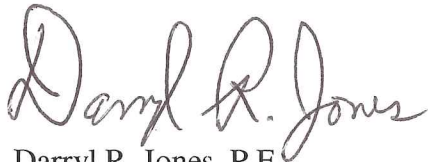
The discharge and runoff from this proposed mine has potential for the presence of contaminants that are not regulated or monitored under the mining operation's NPDES permit. Many contaminants, including toxic metals, are known to be present in mine discharge and mine runoff, and these may impact the Birmingham area drinking water supply. To date, the investigations and review processes that are part of the issuance of mining permits and the permit conditions themselves have been insufficient to identify, quantify, and mitigate the risk of significant harm to the Public Water Supply and the BWWB.

The mining permits issued recently in this area have been issued without the required assessment of potential contamination, operational plans, and engineering designs being reviewed before issuance; and the monitoring plans included in these permits will not provide data adequate for identifying impacts when they occur. The BWWB has firsthand experience with low-level contamination of the water supply, and we are very familiar with the harmful impacts that can result when proper evaluations and controls are not in place.

Given these concerns, we conclude that the areas adjacent to the Mulberry Intake should be declared unsuitable for mining. This conclusion is made to preserve the long range productivity of this Public Water Supply and the ability of the BWWB to serve its customers with safe drinking water at a reasonable price. Also for this reason, the BWWB will be submitting an Intervention and Petition in the action of the BWRK; more detailed information on our concerns will be contained in the forthcoming submission.

Please email me at [darryl.jones@bwwb.org](mailto:darryl.jones@bwwb.org) or call 205-244-4404 if you have any questions or comments.

Very Truly Yours,

A handwritten signature in black ink that reads "Darryl R. Jones". The signature is written in a cursive, flowing style.

Darryl R. Jones, P.E.  
Assistant General Manager  
Operations and Technical Services Division